IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

Crl.MC.No. 2762 of 2007()

CMP.1746/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT, PARAPPANANGADI

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PETITIONER: PETITIONER

SIDHIQ, AGED 30 YEARS, S/O.ALAVIKUTTY,
ANCHUDIKKAL HOUSE, PUTHIYA KADAPPURAM,
TANUR.

BY ADV. SRI.M.T.BALAN

RESPONDENTS: RESPONDENT

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, TANUR POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.2762 Of 2007

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Dated this the 13th day of September, 2007

ORDER

The grievance of the petitioner is against the order passed by the learned Magistrate under Sec.451 Cr.P.C for release of a vehicle allegedly involved in the illicit transportation of sand. The vehicle is seized by the revenue officials and produced before the District Collector. The same is now in the possession of the Sub Inspector of Police. No crime has been registered in respect of the said event. The learned Magistrate directed the release of the vehicle under Sec.451 Cr.P.C, subject to condition that the petitioner must execute a bond for Rs.1 lakh each with two solvent sureties, who in turn were directed to produce solvency certificates. The petitioner is aggrieved by the onerous nature of the condition imposed. No other contentions are raised. Notice was given, the learned Public Prosecutor has entered appearance. The learned Public Prosecutor submits that the State has no objection if the petitioner were directed to deposit the maximum amount of fine and also execute a bond with sureties.

2. I am satisfied that this Crl.M.C can be allowed and impugned order can be modified as agreed. It is directed that the vehicle shall be released to the petitioner on the following terms and conditions:

i) The petitioner shall execute a bond for Rs.1 lakh (Rupees one lakh only)with two solvent sureties. It is not necessary to insist on production of the solvent certificates by the sureties. It is sufficient if the learned Magistrate is satisfied of the sufficiency and adequacy of the sureties;

ii) He shall deposit an amount of Rs.25,000/- before the learned Magistrate .

3. The petition is allowed to the above extent.

(R.BASANT, JUDGE)

sj